CIA Inquiry Subpoenas Nixon Tapes

8/13/75

By William Greider,
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The Senate intelligence committee issued two subpoenas yesterday demanding that White House aides turn over the papers and tapes of former President Nixon on Central Intelligence Agency covert action in Chile and on domestic surveillance.

The confrontation seems likely to wind up in federal court because the White House insists that it cannot turn over the requested documents under the terms of pending litigation over the ownership of Nixon's presidential papers.

The White House has refused two committee written requests for the materials.

Sen. Frank Church (D-Idaho), chairman of the Senate committee, said the seven members present yesterday voted unanimously to subpoena presidential counsel Philip W. Buchen and the General Services Administration who have temporary custody of the papers under court order.

"We hope the White House will respond to the subpoenas," said Church, "and it will not be necessary to go to court, but the committee is prepared to take that step."

At the White House, an aide to Buchen, attorney Barry Roth, indicated that it is unlikely that the White House will comply with the subpoenas—short of a court order directing it to turn over the disputed Nixon materials.

Roth said the Justice Department has advised Buchen not to release the documents without court permission and Nixon's lawyer, Herbert J. Miller, has threatened to seek a contempt citation against Buchen if he does.

The issue represents the first substantial conflict between President Ford and the Senate investigators over access to secret White House documents, which could not be resolved by negotiations. But the dispute has not, as yet, reached a magnitude comparable to the historic legal struggle last year between Watergate investigators and the Nixon White House over access to the Nixon tapes.

Church made an added announcement about Nixon yesterday—that the former President has declined to appear voluntarily before the commit-

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tee for questioning. At present, Church said, the committee is not inclined to press the matter.

In the meantime, the Church committee, which has made a special show of bipartisan unity in its investigation of the CIA and other government intelligence agencies, found itself the target of criticism yesterday from one of its members, Sen. Barry Goldwater (R-Ariz.).

Goldwater accused Democratic committee members of trying to soft-peddle the involvement of President Kennedy and his brother Robert in the CIA assassination plots against Cuba's Fidel Castro in the early 1960s.

In a statement issued yesterday, Goldwater complained that "I'm very much afraid that this may lead to a contest in the committee between those who want to make sure nobody blames President Kennedy and those who want to tell the truth."

Goldwater, who missed yesterday's committee meeting, argued that the Central Intelligence Agency always acted with presidential approval "directly or indirectly" and that President Kennedy would

have been acting properly if he ordered the intelligence agency to attempt the murder of Castro.

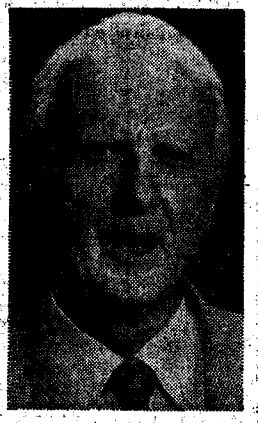
Goldwater declared:

"One of the things we must never forget in all this hand-wringing over CIA mistakes and that is that Communist Cuba posed a grave threat to the security of the United States in the early 1960s . . . In the early '60s, President Kennedy and his brother had every right to perceive that the nation's best interest lay in the removal of Fidel Castro."

Church, in reply, said that Goldwater had not attended any of the committee's drafting sessions for its report on CIA assassination plots and that he doesn't know what Goldwater is talking about.

"I'm just at a loss to know what the senator means," Church said. "There is no disposition at all to protect anyone, includng the CIA, I might say. I think that all this committee is interested in is telling the truth."

The Church committee also heard private testimony yesterday from Secretary of State Henry A. Kissinger who denied that he or anyone else in the Nixon administration had ever planned any assassinations of foreign officials.



PHILIP W. BUCHEN
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The questioning of Kissinger focused on events in Chile in the autumn of 1970 when Marxist President Salvador Allende was elected. The CIA reportedly lent encouragement to a Chilean military group attempting a coup to prevent Allende from taking office and, in the course of its unsuccessful attempt, Gen. Rene Schneider was kidnaped and killed, though it is not clear that anyone intended Schneider's death when the incident was planned.

Kissinger, though he dodged all specific questions from reporters, issued this denial:

"There was no policy to assassinate any foreign officials or leaders or any plot to assassinate any foreign leaders."

As it happens, the Nixon documents and tapes which the Church committee subpoenaed yesterday cover this same episode in Chile though committee officials said they have been trying all summer to get the materials from the White House and the subpoenas were not prompted in any way by Kissinger's testimony.

The subpoenas also ask for materials surrounding development of the so-called Huston Plan in the summer of 1970, a scheme to increase government syping on domestic dissidents.

The legal status of the Nixon documents—notes, memos, tape recordings, minutes of meetings and so forth—awaits a decision by a three-judge panel on whether the materials belong to the former President, as has been the tradition, or to the U.S. government, as Congress declared in a law passed last winter.

Nixon is challenging that law in court. In the meantime, all of his White House papers are in the custody of Buchen and the GSA but materials can be made available to others if they are needed for the on-going business of government.

Church and the Senate committee contend that their investigation qualifies as an on-going function of government.

If the White House fails to comply with the subpoenas by August 25, the committee could decide to start its own lawsuit or enter the current litigation and ask for a court order establishing its right to the Nixon papers.